

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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T-MOBILE US, INC. and T-MOBILE USA, INC.,  
Petitioner,

v.

BARKAN WIRELESS ACCESS TECHNOLOGIES, L.P.,  
Patent Owner.

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Case IPR2017-01099  
Patent 9,042,306 B2

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Before MEREDITH C. PETRAVICK, JOHN A. HUDALLA, and  
SHARON FENICK, *Administrative Patent Judges*.

FENICK, *Administrative Patent Judge*.

Order  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

On October 3, 2018, we entered a final written decision in this case. Paper 42. On November 2, 2018, the PTAB End to End (E2E) system indicated that Patent Owner attempted to file a rehearing request, but no rehearing request appears in the record.

If the Patent Owner wishes to file a rehearing request, Patent Owner should file the rehearing request within five business days of entry of this order. The time to file a request for rehearing of the final written decision expired on November 2, 2018 (*see* 37 C.F.R. 42.71(d)(2), a request must be filed within 30 days from entry of a final decision) and, thus, the rehearing request must be accompanied by a motion to excuse the late filing pursuant to 37 C.F.R. § 42.5(c)(3). “A late action will be excused on a showing of good cause or upon a Board decision that consideration on the merits would be in the interests of justice.” *Id.* Prior to filing the motion, Patent Owner should meet and confer with Petitioner to determine if the Petitioner opposes excusing the late filing of the rehearing request. The motion shall indicate whether Petitioner opposes or not. If Petitioner opposes, Petitioner may file an opposition to the motion within five business days from the filing of the motion. *See* 37 C.F.R. § 42.23. No reply is authorized at this time.

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner is authorized to file, within five business days from entry of this order, its rehearing request;

FURTHER ORDERED that the rehearing request must be accompanied by a motion, of three pages or less, to excuse the late filing of the rehearing request; and

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FURTHER ORDERED that Petitioner is authorized to file, within five business days from the filing of the motion, an opposition, of three pages or less, to the motion.

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PETITIONER:

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